

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANCELL HAMM : CIVIL ACTION
:
v. :
:
COURT OF COMMON PLEAS :
FOR THE 15th JUDICIAL DISTRICT, et al. : No. 11-1067

MEMORANDUM

LOWELL A. REED, JR., Sr. J.

April 29, 2011

Presently before this Court is a pro se petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by Ancell Hamm (“Petitioner”) (Doc. No. 1), the Respondents’ response thereto (“Response”) (Doc. No. 3), Petitioner’s reply (“Reply”) (Doc. No. 5) and Respondents’ supplemental response (“Supplemental Response”) (Doc. No. 6). For the reasons that follow, the petition will be dismissed.

FACTS AND PROCEDURAL HISTORY:

Petitioner is a state prisoner currently incarcerated in the Fayette State Correctional Institution in LaBelle, Pennsylvania. He is serving two consecutive life sentence for murdering two police officers in 1972. Petitioner has filed numerous petitions with this court seeking habeas corpus relief. See Response at 2; see also Hamm v. Rice, C.A. No. 81-0089; Hamm v. Zimmerman, C.A. No. 81-2639; Hamm v. Zimmerman, C.A. No. 81-4143; Hamm v. Frame, C.A. No. 82-1841; Hamm v. Zimmerman, C.A. No. 82-4755; Hamm v. Zimmerman, C.A. No. 82-5278; Hamm v. Fulcomer, C.A. No. 84-762; Hamm v. Fulcomer, C.A. No. 84-4537; Hamm v. Fulcomer, C.A. No. 84-6266; Hamm v. Fulcomer, C.A. No. 85-6145; Hamm v. Fulcomer, C.A. No. 86-3526; Hamm v. Nix, C.A.

No. 87-4126; Hamm v. Fulcomer, C.A. No. 87-7838; Hamm v. Fulcomer, C.A. No. 88-5023.

The United States Court of Appeals for the Third Circuit has denied multiple applications by Petitioner for authorization to file a second or successive writ of habeas corpus. See Response at 2-3; see also In Re: Ancell Hamm, C.A. No. 00-1680; In Re: Ancell Hamm, C.A. No. 01-1329; In Re: Ancell Hamm, C.A. No. 03-2331; In Re: Ancell Hamm, C.A. No. 06-3365; In Re: Ancell Hamm, C.A. No. 07-3158. The United States Supreme court denied Petitioner's Petition for writ of certiorari on May 12, 2008. Hamm v. Pennsylvania, 553 U.S. 1035 (2008).

DISCUSSION

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") provides that before a second or successive petition is filed in the district court, the prisoner must first move in the appropriate circuit court for an order authorizing the district court to consider the petition. 28 U.S.C. 2244(b)(3)(A); see also In re Minarik, 166 F.3d 591, 609 (3d Cir. 1999). In the instant petition, Petitioner makes numerous arguments which all relate to his assertion that he is being confined without a valid conviction. Each of these claims has been previously addressed over the course of Petitioner's lengthy litigation history. Petitioner has not received authorization from the Third Circuit Court of Appeals to file a successive habeas petition related to the instant conviction. As a result, Petitioner's petition is dismissed.

An appropriate order follows.

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ORDER

AND NOW, this 29th day of April 2011, upon careful consideration of the petition for a writ of habeas corpus, the response, reply thereto and supplemental response (Doc. Nos. 1, 3, 5, 6), it is hereby **ORDERED** that for the reasons set forth above, the petition is **DISMISSED WITH PREJUDICE AND WITHOUT A HEARING**.

IT IS FURTHER ORDERED that no certificate of appealability will be issued pursuant to 28 U.S.C. § 2253 because Petitioner has failed to make a substantial showing of a denial of a constitutional right.

The Clerk of Court is hereby directed to mark this case closed.

/s Lowell A. Reed, Jr.
LOWELL A. REED, JR., Sr. J.